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EXAMINER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/606,271

**Applicant(s)**

POLLARI, PEKKA

**Examiner**

TONYA JOSEPH

**Art Unit**

3628

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3,5-8,10,11 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,10,11 and 14-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/08)  
Paper No(s)/Mail Date 11/15/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

Claims 1, 14-16, 19 and 22 have been amended. No new Claims have been added.

Thus, 1-3, 5-8, 10-11 and 14-24 are again presented for Examination

### *Response to Arguments*

1. Applicant's arguments filed 11/19/2007 have been fully considered but they are not persuasive.

#### Claim Rejections – 35 USC § 102 & 35 USC § 103

Applicant argues with respect to claims 1 and 14-16 that Examiner rejected the claims without addressing the following limitation:

wherein registering the application includes signaling to the operator network for storing by the operator network an indication of an elected option for paying for use of the application along with an identifier of the application and a user identifier stored in the wireless terminal

**Examiner Notes:** These limitations were addressed on pg. 6 lines 5-18 and pg. 7 lines 1-10 with respect to claim 1 in the previous Office Action. The limitations were also addressed starting on pg. 9 with respect to claim 14; pg. 12 with respect to claim 15 and pg. 14 with respect to claim 16.

For the sake of clarity a portion of claim 1, which addresses the limitation, from the last Office Action has been pasted below:

2. Edelman does not explicitly teach, ***but otherwise displaying options for paying for use of the application, and then in response to an election by a user,***

***wherein registering the application includes signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier.*** Kunii teaches, Once the user enters or inputs the necessary information on the basis of the displayed registration or continuation screen via an input section U1, the training registration section U4 generates payment information and registration information on the basis of the user-entered information, and then transmits, via the communication network X, the payment information and registration information to a billing section K3 of the management server WS. Here, the "payment information" represents a user-desired method of payment and various items of information necessary for the user-desired method of payment. The method of payment is a way of paying a fee of the registered musical performance training, such as payment by a credit card, bank account transfer, postal transfer, electronic money or the like. On the training step selection screen, there are shown a desired training step input area and a payment information input area. Via the desired training step input area, the user selectively enters a training step or new music piece which he or she wants to practice performing. via the payment information input area, the user enters a desired method of payment and other payment-related information necessary for performance practice of the entered desired training step or new music piece (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21). It would have been prima facie obvious to one of ordinary skill in the art to modify the method of Edelman to include the teachings of Kunii in order to generate program information corresponding to the user-desired training step and transmit the thus-generated program information to the performance practicing terminal

PC (as taught in Kunii, para. 53 lines 18-22). **Edelman further teaches signaling to an operator network a user identifier stored in a wireless terminal (see para. 62, 72 and 74).** The limitation, *"to locate any registration information for the application using the identifier of the application and the user identifier"* is merely a statement of intended use, and as such is afforded little patentable weight.

3. For brevity the limitation in question was condensed with the same limitation recited earlier in the claim. To alleviate any confusion, the condensing will be removed in this reply. Furthermore, although the exact claim term "application identifier" was not used in the original body of the rejection, the disclosure of Kunii nevertheless meets the limitations of the claimed application identifier (see para. 50 lines 16-24 and para. 51 lines 20-25).

4. Applicant further argues with respect to claims 1 and 14-16 that there is no teaching or basis by which the client can locate in the licensing medium license information for the application and for the user.

Examiner notes: the limitation in question recites, to locate any registration information for the application ***using the identifier of the application and the user identifier***, as opposed to Applicant's arguments of to locate licensing information ***for the application and for the user***.

Examiner further notes: ***referring to one or more data stores hosting information on registering applications is the only positively recited recitation of the method step***. The reasoning behind why the step is being preformed, "to locate any registration information for the application using the identifier of the application and the user

identifier and in order to determine whether the application is registered with the operator network" is afforded patentable weight in as much as the references applied are capable of performing such steps. While Edelman explicitly teaches the latter, the intended use of a positively recited claim limitation alone is not sufficient to patentably distinguish the claimed invention from the prior art. One of ordinary skill in the art would reason that in order for the licensing medium of Edelman to verify if a user is authorized to access a particular piece of software, the referring that occurs in the data stores uses identification information regarding the user and identification information regarding the particular application in question. As demonstrated in Edelman, "When a user seeks to access a vended piece of electronic data, the client program communicates with the licensing medium 120 to verify that the user is authorized to access the electronic data." (para. 60). It is more than reasonable to conclude that user and application identification information is used to perform the aforementioned steps of Edelman. As the burden of intended use necessitates, the system of Edelman is capable of performing the intended use of the positively recited claim elements.

5. Applicant argues with respect to claims 19 and 22 that hosted is a transitive verb in the past tense and the hosting of the application of the wireless terminal is not initiated until the purchase is made.

Examiner is fully aware of the meaning of the term hosted as being past tense. Kunii teaches an application that has been previously hosted with the "continue current performance training" option. Kunii also allows this application to be subsequently paid for (see Col. 50 lines 12-24 and para. 52). These teachings refute Applicant's claim that

the applications of Kunii are not hosted by a wireless terminal until the purchase is made.

Applicant's arguments are not sufficient to overcome the previous rejections as such, the rejections of claims 1-3, 5-8, 10-11 and 14-18 are maintained.

**Examiner Note:**

Applicant's claim language is **replete** with intended use/result modifiers and recitations. i.e. "...so as to cause to be stored..."; "...to locate any registration..." etc. The repeated use of this language promotes doubt as to whether claim elements are positively recited. Furthermore, the claim amendments have taken former positively recited elements and reduced them to mere intended use recitation, i.e. In the most previous amendment claim 1 recited the limitation, " ...storing by the operator network, an indication...". Applicant has now amended that portion of claim 1, by deleting the word storing and replacing it with, "...so as to cause to be stored by the operator network... an indication...". This change clearly changes the former positively recited step and turns it into an intended result of the preceding step. The clarity of the limitations are now unclear and a 112 2<sup>nd</sup> rejection has thus been solicited.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-3, 5-8, 10-11 and 14-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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8. Claims 1, 14-16 recites the limitation, "...so as to cause to be stored by the operator network... an indication...". It is unclear whether the limitation following the modifier is a requirement of the claim or merely an intended result of the claim elements. For Examination purposes, Examiner is interpreting the limitation to be a requirement of the claim. Appropriate correction is required.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-3, 5-8, 10, 14-16, and 18 rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman et al. U.S. Pre Grant Publication No. 2002/0029347 A1 in view of Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1.

11. As per Claims 1 and 18, Edelman teaches ***receiving from an application hosted by the wireless terminal a request to determine whether the application is registered with the operator network*** (see para. 60; para. 62 lines 1-4 and para. 59 lines 3-10); ***referring to the one or more data stores hosting information on registration of applications in order to determine whether the application is registered with the operator network*** (see para. 60, Examiner is interpreting a licensing medium as a data store); ***and signaling to the application that the***



***application is registered if by referring to the one or more data stores, using the identifier of the application and the user identifier, the business relationship manager finds that the application is registered*** (see para. 59 lines 3-10, para. 60 and para. 65 lines 1-6, It is at least implicit that user and application identification information is used to perform the aforementioned steps of Edelman), Edelman does not explicitly teach the limitation taught by Kunii, ***wherein registering the application includes signaling to the operator network, so as to cause to be stored by the operator network in one or more data stores, an indication of an elected option for paying for use of the application along with an identifier of the application; but otherwise displaying options for paying for use of the application, and then in response to an election by a user, registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier of the application.*** (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21). It would have been prima facie obvious to one of ordinary skill in the art to modify the method of Edelman to include the teachings of Kunii in order to generate program information corresponding to the user-desired training step and transmit the thus-generated program information to the performance practicing terminal PC (as taught in Kunii, para. 53 lines 18-22). ***Edelman further teaches signaling to an operator network a user identifier stored in the wireless terminal*** (see para. 62, 72 and 74). The limitation, “to locate any registration information for the application using the identifier of the application and the user identifier” is merely a statement of intended use, and as such is afforded little patentable weight.

12. As per Claim 2, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches registering the application with a user information server (see para. 75 and para. 67 lines 1-5, Examiner is interpreting the registration authority to be a user information server).

13. As per Claim 3, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches wherein the registering is via signaling between the business relationship manager module and the user information server and is according to session initiation protocol signaling or is signaling using an extensible markup language over hypertext transfer protocol or secure hypertext transfer protocol (see para. 67 lines 8-10 and para. 68 lines 3-6).

14. As per Claim 5, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches herein the referring to one or more data stores is a referring to one more data stores hosted by the wireless terminal (see para. 60, Examiner is interpreting a licensing medium as a data store hosted by the wireless terminal).

15. As per Claim 6, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches wherein the referring to one or more data stores is a referring to one or more data stores maintained by a user information server of the operator network (see para. 77 lines 5-8).

16. As per Claim 7, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches receiving an indication to de-register the application (see para. 96 lines 1-5); signaling a de-register message to a user

information server of the operator network so as to indicate that the application is to be de-registered (see para. 96 and para. 97).

17. As per Claim 8, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches, wherein the application is assigned an identifier common to all copies of the application (see para. 80 lines 1-3) and used as an identifier for the application in the one or more data stores holding information indicating whether the application is registered (see para. 82).

18. As per Claim 10, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches, wherein the options include a plan in which the user is billed monthly for use of the application (see para. 89 lines 3-5 and para. 90 lines 1-5, Examiner is interpreting a renewable monthly license as a monthly bill for use of the application).

19. As per Claim 14, Edelman teaches ***means for receiving an indication that an application is to be executed; means for referring to one or more data stores, using an identifier of the application and a user identifier*** (see para. 59 lines 3-10, para. 60 and para. 65 lines 1-6, It is at least implicit that user and application identification information is used to perform the aforementioned steps of Edelman) ***to determine whether the application is registered with an operator network*** (see para. 59 and 60, Examiner is interpreting a licensing medium as a data store. Although the licensing medium of Edelman is a removable smart card, it can also be embodied internally; see para. 62);

*means for signaling to the application that the application is registered if by referring to the one or more data stores, using the identifier of the application and the user identifier, the business relationship manager finds that the application is registered* (see para. 59 lines 3-10, para. 60 and para. 65 lines 1-6, It is at least implicit that user and application identification information is used to perform the aforementioned steps of Edelman), Edelman does not explicitly teach the limitation taught by Kunii, *wherein registering the application includes signaling to the operator network, so as to cause to be stored by the operator network in one or more data stores, an indication of an elected option for paying for use of the application along with the identifier of the application; but otherwise displaying options for paying for use of the application, and then in response to an election by a user, registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier of the application.* (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21). It would have been prima facie obvious to one of ordinary skill in the art to modify the method of Edelman to include the teachings of Kunii in order to generate program information corresponding to the user-desired training step and transmit the thus-generated program information to the performance practicing terminal PC (as taught in Kunii, para. 53 lines 18-22). **Edelman further teaches signaling to an operator network a user identifier stored in the wireless terminal** (see para. 62, 72 and 74).

20. As per Claim 15, Edelman teaches ***an application, included in the wireless terminal so as to executable by the wireless terminal, for providing a signal to confirm registration of the application with an operator network in response to a signal to begin execution, and further responsive to a signal indicating registration is in place*** (see para. 59 lines 3-10 and para. 60, Examiner is interpreting the client program embedded in electronic data to be the same as the recited "application"; in essence a BRM embedded in electronic data). Although the client program can be separately installed, it can also be embedded within executable electronic data; i.e. an application (see para. 59 lines 6-10);

***a business relationship manager, also included in the wireless terminal*** (see para. 60, Examiner is interpreting a client program to be a business relationship manager), ***responsive to the signal to confirm registration, for referring to the one or more data stores, using the identifier of the application and the user identifier to determine whether the application is registered with the operator network*** (see para. 60 and para. 65 lines 1-6, Examiner is interpreting the client program, embodied in an application, accessing information subsequent to being prompted by a user, as responsiveness to a signal to confirm registration. It is at least implicit that user and application identification information is used to perform the aforementioned steps of Edelman). Although the licensing medium of Edelman is a removable smart card, it can also be embodied internally (see para. 62), ***for signaling to the application that the application is registered if by referring to the one or more data stores using the identifier of the application and the user identifier the business relationship***

***manager finds that the application is registered*** (see para. 59 lines 3-10 and para. 65 lines 1-6), Edelman does not explicitly teach the limitation taught by Kunii, ***wherein registering the application includes signaling to the operator network, so as to cause to be stored by the operator network in one or more data stores, an indication of an elected option for paying for use of the application along with an identifier of the application; but otherwise displaying options for paying for use of the application, and then in response to an election by a user, registering the application by signaling to the operator network an indication of an elected option for paying for use of the application along with an identifier of the application.*** (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21). It would have been prima facie obvious to one of ordinary skill in the art to modify the method of Edelman to include the teachings of Kunii in order to generate program information corresponding to the user-desired training step and transmit the thus-generated program information to the performance practicing terminal PC (as taught in Kunii, para. 53 lines 18-22). ***Edelman further teaches signaling to an operator network a user identifier stored in the wireless terminal*** (see para. 62, 72 and 74). The limitation "to locate any registration information for the application using the identifier of the application and the user identifier" is merely a statement of intended use, and as such is afforded little patentable weight.

21. As per Claim 16, Edelman teaches the wireless terminal (see para. 62 lines 1-4) and an operator network to which the user of the wireless terminal is subscribed (see para. 58 lines 10-12), the operator network including a user information server (see

para. 67 lines 1-5, Examiner is interpreting the registration authority implemented as a server on a network, to be an operator network including a user information server), wherein:

***a business relationship manager included in the wireless terminal is configured to respond to a signal from the application by signaling a request to the operator network to determine whether the application is registered*** (see para. 60, Examiner is interpreting the client program, embodied in an application, accessing information subsequent to being prompted by a user, as responsiveness to a signal to confirm registration). Although the licensing medium of Edelman is a removable smart card, it can also be embodied internally; see para. 62), ***and for signaling to the application an indication of whether the application is registered*** (see para. 59 lines 3-10 and para. 65 lines 1-6), Edelman further teaches, the user information server of the operator network is configured to respond to the request to determine whether the application is registered by referring to the one or more data stores (see para. 60, Examiner is interpreting the licensing medium as a data store). Edelman does not explicitly teach the limitation taught by Kunii, and ***for displaying options for paying for use of the application and for registering the application by signaling to the operator network, so as to cause to be stored by the operator network in one or more data stores, an indication of an elected option for paying for use of the application along with an identifier of the application*** (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21. It is at least implicit that user and application identification information is used to perform the aforementioned steps of Edelman). It would have

been prima facie obvious to one of ordinary skill in the art to modify the system of Edelman to include the teachings of Kunii in order to generate program information corresponding to the user-desired training step and transmit the thus-generated program information to the performance practicing terminal PC (as taught in Kunii, para. 53 lines 18-22). Edelman further teaches **signaling to an operator network a user identifier stored in a wireless terminal** (see para. 62, 72 and 74). The limitation, “to locate any registration information for the application using the identifier of the application and the user identifier , in order to determine if the application is registered with the user network” is merely a statement of intended use, and as such is afforded little patentable weight.

22. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman et al. U.S. Pre Grant Publication No. 2002/0029347 A1 in view of Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in further view of CGI (Reference U of the attached PTO-892) and Emondi et al. U.S. Pre-Grant Publication No. 2002/0016748 A1.

23. As per Claim 11, Edelman in view of Kunii teaches the method of claim 1 as described above. Edelman further teaches, wherein the application consumes network resources (see para. 73 lines 6-11, Examiner is interpreting the software accessing the smart card and performing periodic checks as consuming network resources), Edelman further teaches an identifier indicating the application, and communicating the request along with the user and application identifiers to the operator network (see para. 67 lines 8-10 and para. 80 lines 1-3). Edelman does not explicitly teach a sending a get request. CGI teaches sending a get request (see para. 3 and 4). It would have been



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prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Edelman and Kunii to include a get request in order to encode data, as taught in CGI para. 3 and 4. Edelman does not explicitly teach appending to each get request by the application a user identifier stored in the wireless terminal. Emondi teaches, In addition, by redundantly storing the same music track (e.g. a very popular music track) at multiple platforms, the load on the entire system is reduced because multiple platforms can handle multiple requests for the same popular music track. The interface 150 converts the particular access device protocol into the messaging platform protocol (and vice versa) so that the particular access device can communicate with the telephony messaging platform 100. Examples of the access device include (but are not limited to) Subscriber Identity Module ("SIM") Took Kit ("STK"), Unstructured Supplementary Service Data ("USSD"), Hyper Text Markup Language ("HTML"). The STK protocol uses a SIM card, which is a small card that includes a microprocessor and memory chip and which "belongs" to a specific user. When the user inserts the SIM card into an electronic device (e.g. a cellular phone), the cellular phone is identified by the system as the user's phone (see para. 26 lines 13-16; para. 32 lines 11-21 and para. 36 lines 1-6). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the methods of Edelman, Kunii and CGI to further include the teachings of Emondi in order to send user specific music requests for listening to music tracks as taught in Emondi para. 43.

24. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Edelman et al. U.S. Pre Grant Publication No. 2002/0029347 A1 in view of Kunii U.S. Pre-Grant

Publication No. 2001/0056375 A1 in further view of Emondi et al. U.S. Pre-Grant Publication No. 2002/0016748 A1 and CGI (Reference U of the attached PTO-892) and Samjani, "General Packet Radio Service {GPRS}" (Reference V of the attached PTO-892).

25. As per Claim 17, Edelman in view of Kunii teaches the method of claim 16 as described above. Edelman further teaches, wherein the business relationship manager is configured to append to each request by the application a user identifier and an application identifier (see para. 67, lines 8-10 and para. 80 lines 1-3). Edelman does not explicitly teach a sending a get request. CGI teaches Every HTTP request and response includes a message header, describing the message. A message body may also be included: 1) A HEAD or GET request sends only a header. Any form data is encoded in an HTTP\_QUERY\_STRING header field, which is available to the CGI program as an environment variable QUERY\_STRING (see para. 3 and 4). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the systems of Edelman and Kunii to include a get request in order to encode data as taught in CGI para. 3 and 4). Edelman does not explicitly teach a gateway general packet radio service support node, and further and the general packet radio service support node is configured to count packets bearing the user identifier and application identifier by monitoring received packets. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more

efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand the systems of Edelman, Kunii and CGI to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

26. Claims 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in further view of Edelman et al. U.S. Pre Grant Publication No. 2002/0029347 A1 .

27. As per Claim 19, Kunii teaches providing to a wireless terminal at least one option for paying for use of an application hosted by the wireless terminal (see para. 46 lines 10-19 and para. 52 lines 4-15) and receiving an indication of an option for paying for use of the application along with an identifier of the application (see para. 53 lines 15-21). Kunii teaches receiving a user identifier stored in the wireless terminal. Kunii further teaches storing the indication of the option for paying for use of the application along with the identifier of the application and the user identifier (see para. 52 and 53, it is implicit that subsequent to paying for the application, the selected option is saved so as to be sent to the users phone) and Kunii does not explicitly teach the limitation taught by Edelman determining whether the application hosted by the wireless terminal is registered with the operator network (see para. 60). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of

Kunii to include the teachings of Edelman to verify whether a user is authorized to access a particular piece of data, as taught in Kunii para. 60.

28. As per Claim 22, Kunii teaches a software business server (see para. 43 lines 1-10), for providing to a wireless terminal at least one option for paying for use of an application hosted by the wireless terminal see para. 46 lines 10-19 and para. 52 lines 4-15); and a user information server (see para. 53 lines 1-8), for receiving an indication of an option for paying for use of the application along with an identifier of the application piece (see para. 50; para. 52 lines 3-13; para. 53 lines 1-7 and 15-21); Kunii teaches a user identifier stored in the wireless terminal (see para. 46 and 52). storing the indication of the option for paying for use of the application along with the identifier of the application and the user identifier (see para. 52 and 53, it is implicit that subsequent to paying for the application, the selected option is saved so as to be sent to the users phone. Kunii does not explicitly teach the limitation taught by Edelman determining whether the application hosted by the wireless terminal is registered with the operator network (see para. 60). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Kunii to include the teachings of Edelman to verify whether a user is authorized to access a particular piece of data, as taught in Kunii para. 60.

29. Claims 20-21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in view of Samjani, "General Packet Radio Service {GPRS}" (Reference V of the attached PTO-892).

30. As per Claim 20, Kunii teaches the method of claim 19 as described above. Kunii further teaches receiving from the wireless terminal a request issued by the application along with the user identifier and the identifier indicating the application (see para. 60 and 65); and Kunii does not explicitly teach a get request. CGI teaches Every HTTP request and response includes a message header, describing the message. A message body may also be included: 1) A HEAD or GET request sends only a header. Any form data is encoded in an HTTP\_QUERY\_STRING header field, which is available to the CGI program as an environment variable QUERY\_STRING (see para. 3 and 4). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Kunii to include a get request in order to encode data as taught in CGI para. 3 and 4). Kunii does not explicitly teach counting the packets bearing the identifier indicating the user and the identifier indicating the application. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand the methods of Kunii and CGI to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

31. As per Claim 21, Kunii teaches the method of claim 19 as described above. Kunii does not explicitly teach wherein the support node is a gateway general packet radio service support node. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand the system of Kunii to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

32. As per Claim 24, Kunii teaches the method of claim 22 as described above. Kunii does not explicitly teach wherein the support node is a gateway general packet radio service support node. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand the methods of Kunii to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission

to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

33. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunii U.S. Pre-Grant Publication No. 2001/0056375 A1 in view of CGI (Reference U of the attached PTO-892) and Samjani, "General Packet Radio Service {GPRS}" (Reference V of the attached PTO-892).

34. As per Claim 23, Kunii teaches the method of claim 22 as described above. Kunii further teaches receiving from the wireless terminal a request issued by the application along with the user identifier and the identifier indicating the application (see para. 60 and 65), Kunii does not explicitly teach a get request. CGI teaches Every HTTP request and response includes a message header, describing the message. A message body may also be included: 1) A HEAD or GET request sends only a header. Any form data is encoded in an HTTP\_QUERY\_STRING header field, which is available to the CGI program as an environment variable QUERY\_STRING (see para. 3 and 4). It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to modify the system of Kunii to include a get request in order to encode data as taught in CGI para. 3 and 4). Kunii does not explicitly teach a gateway support node, for counting the packets bearing the identifier indicating the user and the identifier indicating the application. Kunii does not explicitly teach counting the packets bearing the identifier indicating the user and the identifier indicating the application. Samjani teaches, packet counts are passed to a charging gateway that generates call detail records. Samjani further teaches, GPRS uses the radio resources for allocation of

channels to the user. We know that GPRS is not a circuit-switched oriented network. Hence, it involves more efficient usage of the available bandwidth (see pg. 14 col. 1, para. 7, lines 1-8); It would have been prima facie obvious to one of ordinary skill in the art at the time of invention to expand the methods of Kunii and CGI to include the teachings of Samjani in order to collect charging information from GPRS nodes with the applicable identifier to prepare it for submission to a billing system and use a GPRS support node to allow efficient handling of available bandwidth, as taught in Samjani, pg. 14 col. 2, para. 1 lines 1-4.

### ***Conclusion***

35. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



Any inquiry concerning this communication or earlier communications from the examiner should be directed to TONYA JOSEPH whose telephone number is (571)270-1361. The examiner can normally be reached on Mon-Fri 7:30am-5:00pm First Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571 272 0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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